

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Shawn C. Carpenter,	:	
	:	
Plaintiff	:	Civil Action 2:12-cv-0315
	:	
v.	:	Judge Smith
	:	
Westbank Harbor Service, Inc.,	:	Magistrate Judge Abel
	:	
Defendant	:	

Order Cancelling Settlement Week Mediation

On February 15, 2013, counsel for the parties participated in a telephone conference with the Magistrate Judge and requested that the Settlement Week mediation noticed for March 15, 2013 at 3:00 p.m. be cancelled. Insufficient discovery has been taken to permit a meaningful mediation. Counsel have taken the depositions of six fact witness. At his deposition Mr. Carpenter executed a release for defendant's counsel to obtain earnings and employer information from the Social Security Administration. Defendant's counsel has been told he might not get those records until April 6. They are necessary because there is an issue regarding Mr. Carpenter's knowledge of the proper equipment to use when attempting to close a large barge lid that had come off its track and would not close. Defendant's counsel is also still working on obtaining plaintiff's complete medical records. Finally, there are several other depositions that need to be taken regarding equipment on a barge. The March 2013 Settlement Week mediation is CANCELLED.

The scheduling order is VACATED. Counsel are DIRECTED to call my office (614.719.3370) on or before **April 12, 2013** to schedule another conference with me to put a

schedule in place to complete all discovery and file case-dispositive motions. They should also indicate whether the parties want to participate in the June 2013 Settlement Week.

The Clerk of Court is DIRECTED to serve a copy of this Order on counsel and the Settlement Week Mediator E. James Hopple, 250 West Street, Columbus, OH 43215.

s/Mark R. Abel
United States Magistrate Judge